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Attorneys for Defendant STEVEN J. WEAVER

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOSE MORENO as CHAIRMAN and LARRY  
TOTTEN as CO-CHAIRMAN of the BOARD  
OF TRUSTEES FOR THE LABORERS  
HEALTH AND WELFARE TRUST FUND  
FOR NORTHERN CALIFORNIA;  
LABORERS VACATION-HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA;  
LABORERS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA; and LABORERS  
TRAINING AND RETRAINING TRUST  
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

vs.

S.J. WEAVER CONTRACTING, INC., a  
California corporation; and STEVEN J.  
WEAVER, an Individual,

Defendants.

**CASE NO. C-04-4699 SI**

Assigned to Hon. Susan Illston for all  
purposes.

**JOINT STIPULATION TO CONTINUE  
DEADLINE FOR FILING REVISED  
DECLARATION OF COUNSEL IN  
SUPPORT OF MOTION FOR  
ATTORNEYS' FEES AND RULE 11  
SANCTIONS; [PROPOSED] ORDER  
THEREON**

**OLD DATE:** October 6, 2006  
**TIME:** 9:00 a.m.  
**DEPT:** 10, 19th Floor

**Complaint Filed:** 11/04/04  
**Judgment Entered:** 08/09/06

Pursuant to Local Rules 7-1 and 7-2 of the United States District Court for the Northern  
District of California, IT IS HEREBY STIPULATED by and between Plaintiffs JOSE  
MORENO as CHAIRMAN and LARRY TOTTEN as CO-CHAIRMAN of the BOARD OF  
TRUSTEES FOR THE LABORERS HEALTH AND WELFARE TRUST FUND FOR  
NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR  
NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN

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CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR  
 NORTHERN CALIFORNIA (“Plaintiffs”) through the law offices of Stanton, Kay & Watson,  
 by James P. Watson, their attorney of record, and Defendant STEVEN J. WEAVER (“Weaver”) through the law offices of Atkinson, Andelson, Loya, Ruud & Romo, by Thomas W. Kovacich, his attorney of record, to the following:

1. WHEREAS, the Court entered judgment for Weaver on August 9, 2006;
2. WHEREAS, Weaver filed his Motion for Attorneys’ Fees and Rule 11 Sanctions (the “Motion”) in this matter on August 23, 2006, which is currently set for hearing on October 6, 2006 at 9:00 a.m.;
3. WHEREAS, Plaintiffs filed their Notice of Appeal (the “Appeal”) of this matter on September 7, 2006;
4. WHEREAS, on October 3, 2006, the Court issued its order granting Weaver’s Motion in part and denying it in other part as well as vacating the hearing scheduled for October 6, 2006;
5. WHEREAS, the Court’s October 3, 2006 order required that Weaver’s counsel submit a supplemental declaration of counsel to conform to said order’s requirements on or before October 13, 2006;
6. WHEREAS, the parties have tentatively agreed to settle their respective disputes and to entered into full and complete mutual releases, to dismiss this action in its entirety with prejudice, including Weaver’s Motion for Attorneys’ Fees and Plaintiffs’ Appeal;
7. WHEREAS, the parties need additional time to prepare appropriate settlement documents and dismiss this action, Weaver’s Motion, and Plaintiffs’ Appeal;
8. WHEREAS, a continuance of approximately thirty (30) days from the October 13, 2006 deadline for Weaver’s counsel to submit the supplemental declaration of counsel requested by the Court’s October 3, 2006 order is required in order to allow the parties to finalize the settlement documents and file the dismissals, thereby conserving time and expenses for the Court and parties.

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The deadline for the filing of the supplemental declaration of Weaver's counsel in support of Weaver's motion for attorneys' fees, currently due on or before October 13, 2006, should be continued to November 13, 2006.

STANTON, KAY &amp; WATSON

DATED: October 6, 2006

By: /s/  
Thomas W. Kovacich  
Attorneys for Defendants STEVEN J. WEAVER

Having read the above set forth Stipulation and good cause appearing therefore:

The deadline for the filing of the supplemental declaration of Weaver's counsel in support of Weaver's Motion for Attorneys' Fees, currently due on or before October 13, 2006, is continued to November 13, 2006.

DATED: \_\_\_\_\_

Susan Blanton

HON. SUSAN ILSTON  
UNITED STATES DISTRICT JUDGE